

REMARKS/ARGUMENTS

The following remarks are presented in response to the statements in the Office Action, and are correspondingly numbered where appropriate.

Claims 1-20 are pending in the present application, and are all in their original form.

3. According to the Office Action: "Claims 1-7, 10-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raymond, US 6,697,462, in view of Sundsted, US 5,999,967." The Applicant respectfully traverses the rejections for the following reasons.

A proper analysis of the present invention and the cited prior art requires a clear and fair reading of the relevant documents. Such a reading reveals that the approach of the Sundsted patent is significantly different from either the approach of the present invention or the approach of the Raymond patent. As an important example, the Sundsted approach requires that an e-mail message contain an electronic stamp which meets the recipient's requirements. A properly stamped message will be delivered to the recipient, while an improperly stamped message will not be delivered to the recipient. There is no recourse for a recipient under the Sundsted approach if he or she is dissatisfied with a delivered message.

In contrast, the present invention utilizes the requirement that a sender accompany its message with a bond; otherwise, the message will be subjected to filtering to determine whether it will be delivered. Unlike the Sundsted approach, a message recipient in the present inventive system may elect to cause the bond to be forfeited if he or she is dissatisfied with the delivered message. Ultimate loss of the bond occurs only if the recipient is dissatisfied (under the present invention). The cost of stamping under the Sundsted approach occurs whether or not the recipient is satisfied with the delivered message.

The above-described distinctions are not only apparent from a reading of the totality of the disclosures, but are also specifically mentioned in the claims. Thus, for example, the fact that the present invention claims the use of bonds while the Sundsted approach requires stamps or stamping is an important distinction explained above.

It is also clear that while the Sundsted patent uses the term “filtering,” the meaning is entirely different from the claim language in the present invention. This is not merely a trivial semantic difference, but indicates fundamentally distinct operations. When read carefully, it is clear that when the Sundsted approach filters a message, it rejects the message without further scrutiny. “Filtering” in the present invention means, however, subjecting the message to further analysis to decide if the message should be accepted or rejected. That is,

filtering in the present invention does not mean automatic rejection of a message, whereas filtering under the Sundsted approach means automatic rejection of a message. This distinction is clearly pointed out in the claims.

A theoretical combination of the Raymond patent and the Sundsted patent, then, would not teach or suggest all of the material features of the present invention. While in the general environment of reducing unwanted e-mails, the system of the present invention and the theoretical Raymond-Sundsted system simply function in different ways that do not make the present invention obvious.

The above arguments apply to both independent Claims 1 and 2, and the Applicant respectfully asserts that those claims are patentable over the prior art for at least the reasons presented. The Applicant respectfully asserts that all of the dependent claims are also patentable over the prior art for the same reasons.

4. According to the Office Action: "Claims 8, 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raymond in view of Sundsted, as applied to claims 1 and 2, and further in view of Irlam et al., US 6,650,890 (hereinafter Irlam)." The Applicant respectfully traverses the rejections for the following reasons.

The Applicant hereby reiterates the remarks and arguments in the previous section and respectfully states that dependent Claims 8, 9 and 17 are patentable over the prior art for the same reasons as the respective parent claims. The Irlam

patent adds nothing to the Raymond-Sundsted combination which overcomes the previously mentioned shortcomings.

It is also worth noting that the Irlam approach is also different from the present inventive approach. Under the present invention, a dissatisfied message recipient may connect to an Internet website for further action regarding the bond and the sender. That is, the recipient can take such actions as causing the bond to be forfeited. Otherwise, the responsibility for management of incoming messages does not change under the present invention. In contrast, the Irlam approach quarantines questionable messages and brings this to the attention of the intended recipient, and filtering is then handled by the website (or instrumentality connected). These differences are also described in the claims (8, 9 and 17) of the present invention.

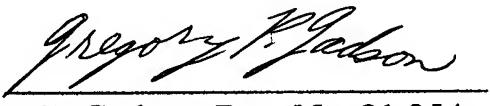
In view of the foregoing, the Applicant respectfully requests a removal of the rejections, and an allowance of the present application. The Examiner is

encouraged to contact the Applicant's attorney by telephone (317-965-9609) regarding any matter connected with this application, if it will facilitate the issuance of a letters patent.

Respectfully submitted,

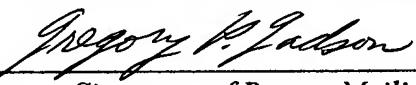
Vanquish, Inc.

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I hereby certify that this paper (Response to Non-Final Office Action) is being deposited on 7/24/2008 with the U.S. Postal Service as first class mail under 37 CFR §1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


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